

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
LOVE AND MADNESS, INC.,

Plaintiff,

-v-

CLAIRE'S HOLDINGS LLC; CBI DISTRIBUTING CORP.  
D/B/A "CLAIRE'S," "ICING," "CLAIRE'S  
ACCESSORIES" AND "ICING BY CLAIRE'S"; CLAIRE'S  
ACCESSORIES UK LTD.; AND CLAIRE'S STORES INC.

Defendants.

CIVIL ACTION NO.: 21 Civ. 1913 (AT) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Pursuant to the telephone conference held today, September 10, 2021, (the "Conference") the Court orders as follows:

1. The parties shall order a transcript of the Conference.
2. The parties shall promptly meet and confer concerning the case schedule and upcoming deadlines. By **Friday, September 17, 2021**, the parties shall submit an updated proposed Case Management Plan for the Court's review.
3. Concerning the dispute concerning the substitution of counsel and withholding of files (the "Motion") between Plaintiff's outgoing counsel, Barton LLP ("Barton") and its incoming/new counsel, Doniger/Burroughs ("Doniger"). (See ECF Nos. 63–64):
  - a. By **Friday, September 24, 2021**, Barton and Doniger (collectively, "Plaintiff's Attorneys") shall either:
    - i. If they have been able to resolve the issues concerning Plaintiff's client file and Barton's outstanding fees raised in the Motion, file a joint letter

advising the Court that they have resolved the Motion and no longer require judicial intervention, or

- ii. If they have not been able to resolve the issues raised in the Motion, Barton and Doniger shall each file a supplemental letter-brief of no more than three (3) pages containing any additional legal argument in support of their respective positions. In addition, under seal, Barton shall file relevant billing records, and Doniger shall file an affidavit from Plaintiff with supporting documentation. A copy of any documents filed under seal shall be emailed to the Court at [Cave\\_NYSDChambers@nysd.uscourts.gov](mailto:Cave_NYSDChambers@nysd.uscourts.gov).

Dated: New York, New York  
September 10, 2021

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge